EXERCISE #3 – DIGEST AND CASE VERIFICATION TOOLS
DUE: Wednesday, January 21, 2004, 10:30 a.m.

Goals of this Assignment:
1) To introduce you to the West Digest System
2) To introduce you to the electronic case verification tool on LexisNexis—Shepard’s.
3) To introduce you to a case verification tool on Westlaw—Key Cite.
4) To practice citing cases in Bluebook form.

PART I — The West Digest System


2. Locate this opinion in and cite to the West Reporter. Explain the process you use to locate this opinion in the West Reporter.

3. Find Headnote Number 8.

4. What are the Topic and Key Number assigned to this headnote?

5. You need to know all other U.S. Supreme Court cases that have been assigned this same topic and key number since your case was decided.
6. Do this search using print tools only (you will have to check the US Supreme Court Digest (bound volume, pocket part and pamphlet supplement) and the advance sheets to West’s Supreme Court Reporter. Fully describe your process.

7. List the most recent case assigned to the topic and key number identified above. Cite it in Bluebook form.

8. Why would the ability to find cases this way be useful?

9. To find cases in all jurisdictions (state and federal) with this same key number, what Digest would you use?

10. Briefly describe how you would do this search on Westlaw? Give the database you would use and the actual search query.

11. On Westlaw, how would you find out if there are any Oregon cases that are assigned to this same topic and key number?

12. Cite in Bluebook form the most recent Oregon Supreme Court case with the same key
number as *Douglas v. Seacoast Products*, Headnote Number 8 in print.

13. Do a search on Westlaw in the Key Number System on a topic that is of interest to you. Briefly describe the process you used. (spend no more than 10 minutes on this question).

14. Did you find what you were looking for?

15. What are some generalizations you can make about the differences between the West Digest System in print and the WESTLAW Key Number Search on line? Which did you prefer and why?
PART II — SHEPARD’S ON LEXIS

Log on to http://www.lexisnexis.com/lawschool/ on the Internet, log on with your LEXIS password and choose the tab “Shepard’s - Check a Citation.”

1. “Shepardize” the following citation: 25 Wash. App. 841.
   a. How many total citing references are there?
   b. Briefly, what happened at 95 Wash. 2d 373?
   c. Briefly, what happened at 97 Wash. 2d 203?
   d. Did any court state that this opinion has been superseded by statute? What case? Cite it in Bluebook form.
   e. Identify the most recent law review article that cites to the Wiscomb opinion.

2. Now click on 97 Wash. 2d 203 to see the opinion.
   a. Do you see the red stop sign at the top of the page? What does this symbol mean?
   b. Now “Shepardize” 97 Wash. 2d 203. (The system should produce a set of “Unrestricted” results.)
      (1) How many total citing references are there?
      (2) Briefly summarize how the citing references are arranged in the display. (i.e., what kinds of cases are listed first, then next, etc.)
      (3) In how many places on this list can you find the Cary opinion, one of the first cases listed in the citing references?
(4) According to this list, what kind of treatment does the *Clements* case give *Wiscomb*?

Go to page 543 of the *Clements* opinion and find the parenthetical used by the court to describe the *Wiscomb* case. What does it say?

(5) What is the name and citation for the South Dakota case citing to 97 Wash. 2d 203?

(6) Has the opinion you are Shepardizing been cited in any ALR annotations? Name one.

(7) Select “All Negative” from the tool bar across the top.
   a. How many citing references here?
   b. What kinds of treatments did this search pull up?

(8) Select “All Positive” from the same tool bar.
   a. How many citing references?
   b. What treatments did this pull up?

(9) How could you easily e-mail this page to someone?

(10) Now select “Custom Restrictions” from the tool bar across the top.
    a. When you choose “Followed” and “Washington,” how many citing references do you get?
    b. When you choose “Distinguished” and “Washington,” how many citing references
do you get?


c. When you choose “Questioned” and “Washington,” how many citing references do you get?

How many cases are listed under citing decisions?

d. Return to Custom Restrictions and choose Headnote 1 for all Wn.2d cases.

• How many citing references are there to Headnote 1 of the case you are Shepardizing?

• Click on the 97 Wn. 2d 203 hyperlink near the case name at the top of the page, and look at the headnotes. Are they West key number headnotes? If not, do you know who wrote them? (Check 97 Wash. 2d 203 in print, if necessary.)
PART III — KEY CITE ON WESTLAW

Log on to http://lawschool.westlaw.com, log in with your Westlaw password and we will revisit the Wiscomb case. “Key Cite” 97 Wash. 2d 203.

1. What color flag appears and what does this mean?

2. Where, if at all, is the Clements case mentioned? (Check both “History of the Case” and “Citations to the Case.”) How does the treatment differ from Shephard’s?

3. Briefly summarize how the citing references are arranged on the display.

4. Follow at least one link to a case citing Wiscomb. Where does the link take you?

5. Close this dialogue box and return to Wiscomb. Limit the citations by selecting “Limit Citing Refs” and then select the first headnote listed. How many citations deal with Headnote #1?

6. What do the stars represent in Key Cite?

7. Select “Table of Authorities” (TOA) tab from the menu on the left side of the screen. Enter the Wiscomb citation and select “Go”. What information is provided and how might this information be useful?

8. Think about what you have learned about the Wiscomb case by using Key Cite and
Shepard’s. For this particular case, which citator service did you prefer, and why? Did either one appear to be more current?
**PART IV — Citing Cases**

Arrange these elements into correct citations according to *The Bluebook: A Uniform System of Citation, 17th ed.* Modify rules by practitioner’s notes. Assume you are citing to a Senior Partner in your firm, not in a court document. (This is the most common form you will use in this class.)


2. James Saffle v. Robyn Leroy Parks in US Reports page 484 and vol 494; in US Supreme Court Reports, Lawyers Edition Second volume 108 and page 415; in Supreme Court Reporter page 1257 and volume 110. Case was argued Nov 1, 1989; decided March 5, 1990 and rehearing was denied April 30, 1990.


4. The Bluebook requires that U.S. Supreme Court opinions be cited to the following sources in this order of preference: U.S., S.Ct., L.Ed., U.S.L.W., a widely used computer database, a service, a slip opinion, an Internet source, or a newspaper (10.3.1). Assume the US Supreme Court case, *Bush v. Gore*, is only on an Internet site. First, what information do you need to properly cite to the Internet? Second, if this opinion were available on LEXIS, what elements would you need to cite the case?

5. Rose v. Sharon is a case decided in the 3rd Division of the Washington State Court of Appeals, argued 8/26/92 and decided 2/10/93. It was reported in 89 Washington Appellate Reports at page 63 and at page 1021 in volume 896 of Pacific Reporter, Second Series.